

**REMARKS**

Entry of the claim amendment and consideration of the remarks is respectfully requested. Claim 39 has been amended. Claims 1-32 and 36-39 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Objection to the Drawings and Amendments to the Drawings

The drawings are objected to under 37 CFR § 1.84 (b)(1) for including photographs. Applicant traverses this objection and believes that the drawings are in compliance and show adequate detail of the various embodiments of the present invention. Should the Examiner continue the objection, Applicant is willing to provide formal replacement drawings.

2. Objection to the Specification

The specification is objected under 37 CFR § 1.71. The Examiner's careful review of the specification is noted with appreciation.

Examiner is directed to Figure 3, which is an end view of the blade carriage of Figure 2. Figure 2 being a side view of the blade carriage of Figure 1. Figure 3 provides a view of the actuator 28 in two positions, as shown through dashed-line drawings. Furthermore, the Examiner is directed to paragraphs 0043 – 0047 for a description of the actuator. As indicated within previous Office Communications, the Applicant asserts that the rejected claims are generic to multiple species as identified by the Examiner, including, but not limited to those embodied in Figures 1-5. Withdrawal of the objection is therefore respectfully requested.

3. Rejection Under §112, First Paragraph

Claims 19-22, 24, 27 and 36-39 stand rejected under 35 U.S.C. §112, ¶1 for failing to comply with the written description requirement. Examiner is directed to Figure 3, which is an end view of the blade carriage of Figure 2. Figure 2 being a side view of the blade carriage of

Figure 1. Figure 3 provides a view of the actuator 28 in two positions, as shown through dashed-line drawings. As indicated within previous Office Communications, the Applicant asserts that Claim 19 is generic to multiple species as identified by the Examiner. Applicant traverses the Examiner's assertion that actuation is not limited by "squeeze[ing] the actuator" as presented within the last Office Action.

In light of the foregoing, withdrawal of this rejection is requested.

4. Rejection Under §112, Second Paragraph

Claims 19-22, 24, 27 and 36-39 stand rejected under 35 U.S.C. §112, ¶2 as being indefinite. Regarding claims 19 and 20, an actuator is not a required element of the claims. Regarding claims 21, 22, 24 and 36-39, Figures 3 and 4 clearly show how the actuator can move the cutting blade. Furthermore, the Examiner is directed to paragraphs 0043 – 0047 for a description of the actuator.

In light of the foregoing, withdrawal of this rejection is requested.

5. Rejection of Claims 19-22, 24, 25, 27 and 36-38 Under § 102(b)

Claims 19-22, 24, 25, 27 and 36-38 stand rejected under § 102(b) as being anticipated by Brenning (U.S. Patent No. 957,409). Applicant respectfully traverses these rejections as applied to amended claim 19 because, as is discussed below, the references do not disclose each and every element of claims 19, 36 and 38. Therefore, reconsideration is in order and is respectfully requested.

Claim 19 recites a rotary trimmer that requires a blade carriage, a mounting structure situated on the blade carriage, and one or more cutting blades received on the mounting structure. The rotary trimmer also requires a guard that at least substantially covers the cutting blade. Most notably, the rotary trimmer of Claims 19, 36 and 38 requires the cutting blade and the guard to be connected to form an integral blade-guard assembly that can be removed from the blade carriage. Brenning does not teach a rotary trimmer having an integral blade-guard assembly as defined in claims 19, 36 and 38. As referenced by the Examiner's remarks in the most recent Office Action, Brenning teaches "a cutting blade (b) indirectly secured to the blade guard". In fact, Brenning

teaches away from the present invention, considering that the blade guard assembly identified by the Examiner as “a2” is referred to as a “supporting frame” in the specification. (See page 1, ln. 37). “a2” of Brenning does not include a blade, nor is the blade secured to a blade guard. Therefore, all the limitations of the rejected claims are not found within Brenning. Claims 20-22, 24, 25 and 27 are dependant upon Claim 19, while claim 37 is dependant upon Claim 36. Favorable reconsideration is respectfully requested.

6. Rejection of Claim 39 Under § 102(b)

Claim 39 stands rejected under § 102(b) as being anticipated by Boda et al. (U.S. Patent No. 5,299,355). Applicant traverses this rejection as Boda does not teach all the limitations of Claim 39 and in fact teaches away from the present invention.

Boda teaches a blade guard 60 for “protect[ing] the operator from engaging the upper quarter section of the blade.” (see column 3, ln. 18-27. Furthermore, the blade guard of Boda is not part of an integral blade-guard assembly, as the blade guard 60 of Boda is “matingly engaged” with a retainer bolt 18, which passes through an opening 70 in the blade 14. Amended claim 39 requires the cutting blade and guard to be connected and form a single integral blade-guard assembly, where the single piece assembly is removably attached to the carriage. Boda does not teach this limitation, and therefore does not teach all the limitations of amended claim 39. Favorable reconsideration is respectfully requested.

7. Rejection of Claim 19 Under § 102(b)

Claim 19 stands rejected under § 102(b) as being anticipated by Ridgely (U.S. Patent No. 909,227). Applicant respectfully traverses this rejection.

The Examiner contends that in Ridgely, “gage 1” corresponds to the blade carriage of claim 19, rotary disk 26 corresponds to the one or more cutting blades of claim 19, and vertical portion 13 of casing corresponds to the guard of claim 19. However, claim 19 requires that the blade carriage has a mounting structure that receives one or more cutting blades. As such, gage 1 of Brenning does not correspond to the blade carriage of claim 19. Moreover, vertical portion 13

of casing can not be considered to be the blade carriage of amended claim 19 because the trimmer of Ridgely lacks a guard that forms an integral blade guard assembly that can be removed from the vertical portion 13 of casing. In addition, no other structures in the Ridgely trimmer correspond to the blade carriage and guard of amended claim 19. Furthermore, page 1 of Ridgely is limited to being "adapted to engage the vertical guide surfaces of the straight edge" (See Ridgely page 1, ln54-56), which actually teaches away from the present invention. Accordingly, Ridgely does not disclose each and every element of claim 19. Favorable reconsideration is respectfully requested.

### **CONCLUSION**

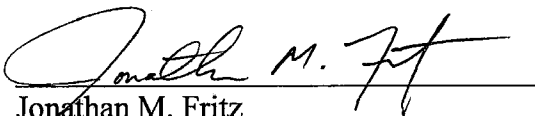
It is submitted that claims 19-22, 24, 25, 27 and 36-39 are in compliance with 35 U.S.C. §§ 112 and 102 and each define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

A three month extension of time is hereby requested and the Director is authorized to direct payment of the associated fees, or credit any overpayment to Deposit Account No. 23-2053.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Dated this 29th day of May, 2008.

Respectfully submitted,

  
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